

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRETT WEIMER,

Plaintiff,

v.

ANDREW SAUL, Commissioner of Social  
Security,

Defendant.

Case No. 2:20-CV-00368-EJY

**ORDER**

Before the Court is Defendant's Ex Parte Motion for Stay of Proceedings; Declaration of Christianne Voegle (ECF No. 11). Defendant states the Motion was filed ex parte because the due date for the filing of the administrative record would not allow for a full 21 day briefing schedule. The Court advises that given this concern, Defendant's Motion would more properly be filed as an emergency motion (pursuant to United States District Court for Nevada Local Rule ("LR") 7-4) or on a motion for shortened time (in accordance with LR IA 6-1(d)). No response to this Motion was filed by Plaintiff.

Defendant's Motion seeks a "stay [of] proceedings in this case until such time as the Social Security Administration ... regains the capacity to produce the certified administrative record ... necessary to answer and adjudicate this case." ECF No. 11 at 1. Defendant further requests that the "stay remain in effect until such time as Defendant either files a proof of service showing that the ... [administrative record] has been served on Plaintiff" or is filed with the Court. *Id.* at 2. Either of these acts would automatically lift the stay. *Id.*

The Court finds good cause for a stay as the administrative record is necessary for this matter to proceed; however, the Court will limit the stay as indicated in the Order below.

Accordingly, IT IS HEREBY ORDERED that the Court GRANTS in part and DENIES in part Defendant's Ex Parte Motion for Stay of Proceedings (ECF No. 11).

1 IT IS FURTHER ORDERED that Defendant's Motion for Stay is GRANTED to the extent  
2 that this matter is stayed for 30 days measured from the date of this Order.

3 IT IS FURTHER ORDERED that no later than five days prior to the expiration of the stay,  
4 Defendant shall file with the Court and serve on Plaintiff a status report describing the progress, if  
5 any, the Social Security Administration has made toward producing administrative records generally  
6 and/or the administrative record in this case. The status report may seek an appropriate additional  
7 period of the stay in accordance with the information provided therein.

8 IT IS FURTHER ORDERED that if Defendant is able to file the administrative record with  
9 the Court before the due date for the status report, Defendant shall do so, serving the same on  
10 Plaintiff. The Court will lift the stay of proceedings upon such filing.

11 IT IS FURTHER ORDERED that to the extent not granted above, Defendant's Motion is  
12 DENIED.

13 DATED: May 1, 2020

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16 ELAYNA J. YOUCHAK  
17 UNITED STATES MAGISTRATE JUDGE  
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